



1626

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Nicolau, Y.C. et al.

Serial No: 09/920,310

Filed: August 1, 2001

For: *Ammonium Salts Of Hemoglobin
Allosteric Effectors, and Uses Thereof*

Attorney Docket No.: GMX-005.01

Examiner: Anderson, R. L.

Group Art Unit: 1626

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Certificate of Mailing

I hereby certify that this "Response to Restriction Requirement" is being deposited with the U. S. Postal Service as First Class Mail with sufficient postage on the date set forth below in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

February 23, 2004

Date of Signature and Mail Deposit

By: Shirine Darvish

Shirine Darvish

Response to Restriction Requirement

Dear Examiner Anderson:

In response to the Restriction Requirement in the above-identified application, mailed January 23, 2004, the Applicants respectfully elect **Group I**, claims 1-29. However, the Applicants respectfully assert that simultaneous examination of Groups II-IV (claims 30-33) would not place an undue burden on the Examiner because the Inventions are related as methods comprising compositions containing an aliphatic ammonium cation and an anionic ligand for a mammalian cellular receptor. *See* MPEP § 803 ("If the search and examination of an entire application can be made without serious burden, the [E]xaminer must examine it on the merits, even though it includes claims to independent or distinct inventions."). Therefore, the Applicants respectfully request that the Examiner modify the instant Restriction Requirement, examining Groups I-IV, i.e., claims 1-33, in the instant application.

Election of Species for Search Purposes

The Applicants respectfully elect the Species wherein the aliphatic ammonium cation is cyclohexylammonium cation with n = 11, and a sodium cation with n = 1, and the anionic ligand for a mammalian cellular receptor is inositol hexaphosphate (See Example 1 on pages 48-49 of the application). This species corresponds to formula 1 in claim 10, wherein nC^+ = undeca-cyclohexylammonium-mono-sodium, and A^{n-} = IHP¹²⁻. Claims 1-29 read on the elected Species.

Of course, the elections of Species made herein are made solely for search purposes. The Applicants expressly reserve the right to prosecute species not elected herein in other patent applications claiming the benefit of the filing date of this application. Furthermore, the Applicants understand that upon allowance of a generic claim, they will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim. *See* 37 CFR 1.141.

Fees

The Applicants believe no fee is due in connection with the filing of this paper. Nevertheless, the Director is hereby authorized to charge any required fee to our Deposit Account, **06-1448**.

Conclusion

The Applicants believe that they have responded fully to the Office communication dated January 23, 2004. However, if a telephone conversation with Applicant's Agent would expedite prosecution of the above-identified application, the Examiner is urged to contact the undersigned.

Respectfully submitted,
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